

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America

v.

Scottie Ray Edgeworth

Case No. 4:07-cr-00208-TLW

Order

Probation has filed an Amended Sentence Reduction Report, ECF No. 557, which concludes that Defendant is not entitled to relief under Amendments 750 and 780 because his original base offense level of 34 remains unchanged. *See* 18 U.S.C. § 3582(c)(2) (providing that a court may reduce a defendant's sentence when it involves "a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission"); U.S. Sentencing Guidelines Manual § 1B1.10 cmt. (1)(A) (2014) ("Eligibility for consideration under 18 U.S.C. § 3582(c)(2) is triggered only by an amendment listed in subsection (d) that lowers the applicable guideline range (*i.e.*, the guideline range that corresponds to the offense level and criminal history category determined pursuant to § 1B1.1(a), which is determined before consideration of any departure provision in the Guidelines Manual or any variance).").

The parties are directed to brief this specific issue. Defendant's brief is due within 15 days of the date of this order and the Government's response is due within 15 days of the date Defendant files his brief.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten

Chief United States District Judge

January 29, 2015
Columbia, South Carolina